

Apr 17, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GENEVA LANGWORTHY,

Plaintiff,

v.

CAROLINA PERKY, LAURA  
HAMILTON, PABLO VILLAREAL,  
and WASHINGTON DIVISION OF  
VOCATIONAL REHABILITATION,

Defendants.

No. 2:24-CV-00060-MKD

ORDER DENYING CONSTRUED  
MOTION TO RECUSE

**ECF No. 17**

Plaintiff filed this *pro se* Complaint on February 21, 2024. ECF No. 1. Before the Court is Plaintiff's construed motion to recuse. ECF No. 17. The Court has considered the motion and the record and is fully informed. Plaintiff did not request a hearing, and the Court finds a hearing would not materially aid the resolution of the pending motion and is therefore resolving the motion without a hearing. *See* Fed. R. Civ. P. 78(b); LCivR 7(i)(3)(B)(iii). For the reasons discuss herein, the motion is denied.

ORDER - 1

1 **BACKGROUND**

2 **A. Procedural Background**

3 This is the first of two Complaints Plaintiff filed with this Court this year.  
4 *See Langworthy v. Myers*, 2:24-CV-00089-MKD (E.D. Wash. Apr. 16, 2024)  
5 (*Myers*). After *Myers* was dismissed on April 16, 2024, *see id.* (ECF No. 11),  
6 Plaintiff filed “Plaintiff’s Affidavit of Prejudice and Disqualification of Judge  
7 Dimke,” ECF No. 17, in the instant case. The Court construes the document as a  
8 motion to recuse.

9 **B. Motion to Recuse**

10 Plaintiff’s construed motion states Plaintiff believes she cannot “get a fair  
11 hearing” with this Court. *Id.* at 1. Plaintiff states this Court denied Plaintiff’s  
12 motion for pro bono counsel and dismissed her other case with prejudice. *Id.*  
13 “The standard for recusal under 28 U.S.C. §§ 144 [and] 455 is whether a  
14 reasonable person with knowledge of all the facts would conclude that the judge’s  
15 impartiality might reasonably be questioned.” *United States v. Studley*, 783 F.2d  
16 934, 939 (9th Cir. 1986) (quotations and citations omitted). A party seeking  
17 recusal is required to file a “sufficient affidavit that the judge before whom the  
18 matter is pending has a personal bias or prejudice either against him or in favor of  
19 any adverse party. . . .” 28 U.S.C. § 144. The affidavit must “state the facts and  
20

1 the reasons for the belief that bias or prejudice exists,” and “[a] party may file  
2 only one such affidavit in any case.” *Id.*

3 The undersigned judicial officer may determine whether Plaintiff has filed  
4 an affidavit that is legally sufficient. *See United States v. Azhocar*, 581 F.2d 735,  
5 738 (9th Cir. 1978) (“the judge against whom an affidavit of bias is filed may pass  
6 on its legal sufficiency”) (citations omitted). “An affidavit filed pursuant to [28  
7 U.S.C. § 144] is not legally sufficient unless it specifically alleges facts that fairly  
8 support the contention that the judge exhibits bias or prejudice directed toward a  
9 party that stems from an extrajudicial source.” *United States v. Sibla*, 624 F.2d  
10 864, 868 (9th Cir. 1980).

11 While Plaintiff filed an affidavit, Plaintiff contends the Court is biased based  
12 on actions taken within Plaintiff’s cases. Plaintiff does not cite to any  
13 extrajudicial source of bias or prejudice, as required by 8 U.S.C. § 144. Plaintiff  
14 does not offer any basis to question the Court’s impartiality in this matter beyond  
15 the Court’s rulings in Plaintiff’s cases. Accordingly, the Court finds that no  
16 grounds for recusal exist. Plaintiff’s motion to recuse is denied.

### 17 **C. Advisement**

18 As discussed in the March 6, 2024 Order, ECF No. 9, although she is  
19 proceeding pro se, Plaintiff is required to follow the same rules of procedure that  
20 govern other litigants. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1986); *see also*

1 *Jacobsen v. Filler*, 790 F.2d 1362, 1364-65 (9th Cir. 1986). Local Rule 83.1  
2 requires litigants to conduct themselves professionally. LCivR 83.1. Parties that  
3 proceed unrepresented are entitled to some latitude generally, but they are “not  
4 entitled to any latitude when it comes to threatening and inappropriate conduct . . .  
5 unfamiliarity with the legal process is no excuse for . . . using profanity.” *See*  
6 *Leibovitz v. City of New York*, No. 15CIV546LGSHBP, 2019 WL 4307305, at \*1  
7 (S.D.N.Y. Aug. 27, 2019), *report and recommendation adopted*, No. 15 CIV. 0546  
8 (LGS), 2019 WL 4303343 (S.D.N.Y. Sept. 11, 2019) (citing *Cameron v. Lambert*,  
9 07 Civ. 9258 (DC), 2008 WL 4823596 at \*4 (S.D.N.Y. Nov. 7, 2008)). Plaintiff is  
10 advised to keep her communications with the Court and the other parties  
11 professional. Insults and vulgarity directed at others should not be included in  
12 future filings and communications.

13 Accordingly, **IT IS HEREBY ORDERED:**

14 1. Plaintiff’s Construed Motion to Recuse, **ECF No. 17**, is **DENIED**.

15 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order  
16 and provide copies to *pro se* Plaintiff and counsel.

17 DATED April 17, 2024.

18 s/Mary K. Dimke  
19 MARY K. DIMKE  
20 UNITED STATES DISTRICT JUDGE